

ORDINANCE NO. 1371-22

**AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS,
REPEALING VALLEY CENTER, KANSAS ORDINANCE CHAPTER 12.70 CEMETERIES,
AND PROVIDING A SUBSTITUTE ORDINANCE**

NOW THEREFORE, BE IT ORDAINED by the governing body of the city of Valley Center, Kansas that
Chapter 12.70 Cemeteries shall henceforth read as follows:

12.70.010 Reserved.

Editor's note(s)—Ord. No. 1304, § 6, adopted April 18, 2017, repealed § 12.70.010, which pertained to supervision and derived from Ord. No. 1063, 2003 and Ord. No. 1206, adopted July 20, 2010.

DEFINITIONS

- A. Cemetery- means the burial park for earth interments.
- B. Lot - means space in the cemetery used, or intended to be used, for the interment of human remains.
- C. Plot - means same as Plot.
- D. Grave - means a space of ground in the cemetery used, or intended to be used, for burial.
- E. Space - means the space on a lot for the interment of one human remains.
- F. Casket Vault - means a permanent outside container of grade for a casket that seals, is without hinges, and is made of steel or concrete.
- G. Urn Vault - means a permanent, lockable, or sealable outside container of grade for an urn that is made of metal, concrete, polycarbonate plastic or stone.
- H. Interment- means act placing of human remains by earth burial or cremation in a grave.
- I. Owner- Means the owner of an interment right or rights within the cemetery, as reflected in the records of the cemetery.
- J. Memorial - means a marker or monument, name plate for the purpose of identification or in memory of the interred.
- K. Monument - means a memorial of granite placed on a lot that extends above the surface of the lawn and has a concrete base.
- L. Marker- means a memorial of granite and/or bronze placed on a space that is flush with the lawn,
- M. Burial or Buried - means interment.
- N. Board - means the Public Properties & Outdoor Spaces Board
- O. Governing Body – City Council

P. Designee- means an employee acting on behalf of the City of Valley Center.

Q. Cemetery Sexton – caretaker in charge of the Cemetery maintenance & operations, normally holds the position of Director of Parks & Public Buildings.

R. Cremation - means the technical heating process that reduces human remains to bone fragments, which occurs through heat and evaporation.

12.70.020 Hours.

A. All municipal cemeteries shall be open for the conduct of business during normal operating hours, Monday through Friday, except for holidays. It is unlawful for any person to enter any municipal cemetery or to drive any motor vehicle or park the same in the cemeteries from one hour after sunset until sunrise. Any person upon the premises from one hour after sunset until sunrise shall be guilty of a criminal trespass on the cemetery premises and the penalty thereof shall be the same penalty as that imposed for other violations of this chapter; provided, however, authorized city personnel may enter the cemetery during otherwise prohibited hours.

B. No burial shall take place on Saturday without the approval of the Cemetery Sexton. No burial shall take place on Sundays or holidays except at a time of catastrophe, disaster, or epidemic.

12.70.030 Vaults.

All caskets shall be interred in an outside container to be a minimum type, two-piece concrete box. Steel or concrete vaults also can be used. Wooden vaults shall be prohibited. Arrangements for burial or other installations shall be made in advance to the Cemetery Sexton at the City Clerk's Office. Cremation Urns that do not lock or are made of decomposable material must be placed in a vault made of concrete, polycarbonate plastic or metal.

12.70.040 Cremations & Casket Burials.

A. Cremation remains will be placed in a lockable urn made of non-decomposable materials. Urns that cannot be locked must be placed inside of an approved urn vault.

B. No more than two cremations shall be allowed to be interred on any single lot space.

C. Only one headstone marker is allowed on a lot space no matter how many cremation remains are interred thereon. Multiple names may appear on the headstone marker.

D. No more than one casket burial shall be allowed to be interred on any single lot space.

E. Urns, urn vaults and casket vaults will be interred with a minimum of two (2) feet of backfill soil over the top and be left level with the existing ground. For casket vaults, sand will be used to back fill around the edges of the vault and up to the top of the casket lid before backfill soil is added.

12.70.050 Monuments, stones, and urns.

A. All monuments and stones shall be set on a concrete foundation. The foundation shall be level and flush with the ground and shall extend a minimum of six inches outside the base dimensions of any monument or stone. Foundation dimensions must not extend beyond the lot dimension width for a single lot, except when setting a double headstone over two lot spaces, the foundation will be centered

and span over two lots but must not extend beyond the width dimension of two lot spaces. The maximum width allowed for a single foundation is four (4) feet wide and the maximum for a double foundation is eight (8) feet wide.

B. Foundations for single stones to be four inches deep and double stones six inches deep. The depth of the concrete footings and bases shall be inspected by the Cemetery Sexton. All concrete footings shall be finished and edged.

C. The general location of all stones, monuments and foot stones on any grave site shall be located and placed as directed by the Cemetery Sexton. All headstones shall be positioned and aligned in the same manner. No stone or monument can be set until arrangements are made with the Cemetery Sexton and installations are to be made under the supervision of the Cemetery Sexton. No Saturday, Sunday or holidays stone settings or any other installations will be permitted.

D. Monuments and/or stones may not exceed forty-eight (48) inches in height.

E. All stones and monuments may be realigned or relocated by the Cemetery Sexton. The Cemetery Sexton is also authorized to repair and reset bases and stones as the need requires. There will be a charge for labor and materials according to what has to be done.

F. Organizational emblems shall be placed on either north or south side of monuments within the extended dimensions of the monument.

G. Stone settings require a minimum of 2 business days' notice for marking the location. The Cemetery Sexton may delay installation of stones and monuments due to inclement weather and ground conditions.

H. No permanent structure shall be placed on lot spaces other than identified and authorized above.

I. No grave openings shall be allowed without permission of the Cemetery Sexton.

J. Any "Veteran" Stone, provided by the US Military, is the responsibility of the family of the deceased to be installed. The Cemetery Sexton must be notified of any Veteran Stone needing to be installed. The Cemetery Sexton will mark the location in which a Veteran Stone shall be placed. In honor of our Veteran's service to this country, no stone setting fee shall be charged for a Veteran Stone.

K. No monument, head stone, foot stone or military stone may be set by family or individuals. A monument company, approved by the Cemetery Sexton, may only install monuments.

12.70.060 Decorations and Flowers.

At the direction of the Cemetery Sexton, all flowers, plants, artificial plants or flowers, decorations and other memorabilia may be picked up and discarded at any time without notification to the lot owner or family members. Any flowers or decorations on the grounds may be discarded during mowing season (April 15th through October 1st) as needed for mowing maintenance. The City shall remove, without notice, all artificial and cut flowers or decorations when their appearance becomes unsightly or not in harmony with the overall appearance of the cemetery. Decorations and flowers shall be permitted to remain on grave spaces from October 1st to April 15th as allowed in subsections A, B and C hereto:

- A. Flowers or decorations which are placed in urns which are a part of a headstone and are embedded in a concrete base may be permitted at all times.
- B. Seasonal flowers, cut flowers, artificial plants or flowers, decorations and wreaths shall be permitted over the grave spaces for a period of two days preceding and ten (10) days following Memorial Day.
- C. Flowers, wreaths, plants, artificial flowers, and decorations will be allowed to be placed over and remain on a newly interred lot for 7 days after burial services after which time may be removed and discarded by the City without notice.

12.70.070 Shrubbery and Trees.

No one shall be authorized to plant upon any grave site except as authorized by the Cemetery Sexton.

12.70.080 Speed limit.

The speed limit for motor vehicles in any municipal cemetery shall be ten (10) mph and it is unlawful for any person to exceed the limit.

12.70.081 Operating vehicles in cemetery.

Except as authorized by the Cemetery Sexton for the operation of Valley Center Cemetery, it shall be unlawful for any person to operate or drive any motor vehicle or motorcycle in Valley Center Cemetery except on the paved roadways located in such cemetery. The Cemetery Sexton shall authorize such operation upon a showing that it is necessary to operate the vehicle off the roadway and a further showing that the cemetery grounds will not be damaged.

12.70.090 Fireworks.

It is unlawful for any person to have in their possession or discharge any fireworks while in the cemetery.

12.70.100 Use of lots.

The lots in the cemetery shall not be used for any other purpose other than as a place for the burial of dead human remains.

12.70.110 Enclosures prohibited.

Fences, hedges, curbing and enclosures of any kind around lots are strictly prohibited.

12.70.120 Improper inscription removal.

If any monument, effigy, structure, inscription be placed in or upon any lot which shall be determined by the Sexton to be improper or offensive or injurious to the appearance to the surrounding lots or grounds, the Sexton shall report the same to the Public Properties and Outdoor Spaces Board. If after due investigation, the same is found to be improper, offensive, or injurious, the Public Properties and Outdoor Spaces Board shall order the owner to remove such improper, offensive, or injurious subjects or inscriptions within 30 days of notification. If the lot owners neglect or refuse to comply after

receiving notice of order of removal to remove the same, then the Sexton shall cause the same to be removed.

12.70.130 Purchase of lots.

The Lot Purchaser must designate an individual to be interred in that lot being purchased at the time of the lot's sale and that person designated shall then and thereafter be the owner of that lot. Price will be determined by the residency status of the individual to be interred at the time of purchase. A cemetery lot(s) shall be sold for the sole purpose of the burial of the individual to be interred.

The purchase price of lots in the cemeteries shall be reviewed by the Public Properties and Outdoor Spaces Board and fixed by the governing body that include a resident and non-resident rate structure. No interment shall be permitted, or deed delivered until the purchase price has been paid in full and all internment documentation completed.

The City may buy back unused lots at the original purchase price on the original receipt from owner, the owner's estate, or the owner's heirs. Lots re-purchased by the City will be re-sold at the current resident/non-resident rate.

12.70.140 Transfer of lots to Others.

No lot owner shall be allowed to sell or convey his or her lot or any part thereof by gift or otherwise unless such conveyance is first filed of record in the Office of the City Clerk before the transfer shall become effective.

The owner of a cemetery lot may transfer ownership to another individual. If transferring to a current resident of Valley Center, the purchaser will be assessed the current transfer fee per each lot transferred. If transferred to a non-resident, the total fee will be based on the price difference between the original purchase and the current lot price for non-residents plus a transfer fee as set forth in the Valley Center Schedule of Licenses, Permits and Fees.

Upon payment received, the City of Valley Center will issue a new transferred deed under the seal of the City of Valley Center, signed by the City Clerk or designee conveying the estate which, by law, is intended to be conveyed for the sole purpose of interment.

This fee will periodically be reviewed by the Public Properties and Outdoor Spaces Board and set by the Governing Body.

12.70.150 Removal of bodies.

No body, after being interred in such cemetery, shall be removed from the cemetery or from one burial place therein to another in the cemetery without permission having been first obtained from the Cemetery Sexton. The charges for disinterment in the case of removal shall be reviewed by the Cemetery Sexton and set by the Governing Body.

12.70.160 Notice of interment and permit, therefore.

Whenever an interment is contemplated, timely notice thereof shall be given to the Cemetery Sexton and the following information shall be given to-wit: name of deceased, name of owner of the burial space on which interment is to be made and legal description of the same.

12.70.170 Trespassing prohibited.

It is unlawful for any person to walk over, upon or across or drive any vehicle over, upon or across any lot or burial space in the cemeteries except as is required by city personnel to maintain the cemeteries, also for installation of monuments and stones with the Sexton's approval.

12.70.180 Damage to property.

It is unlawful for any person to pluck any wild or cultivated flowers or to injure any tree, shrub, or plant in the cemetery or to write upon, damage, mar, or deface the monuments or other property in the cemeteries.

12.70.190 Construction operation supervision.

In the erection of monuments, tombs or other structures in the cemetery, a place will be designated by the Sexton for the deposit of building materials and implements which shall not remain longer on the grounds than is actually necessary. Should such implements or materials be left on the grounds, the Sexton shall cause the same to be removed to some suitable place at the owner's cost. All employed in construction upon the lots and grounds of the cemeteries shall be subject to the control and direction of the Sexton. Anyone failing to conform to this regulation and the other requirements of this chapter shall not thereafter be permitted to work on the grounds.

12.70.200 Fees.

The cost of lots, burial permits, stone setting permits, grave openings, exhumations, transfer fees, licenses and any other fee associated with the operation of the municipal cemetery shall be reviewed periodically by the Public Properties & Outdoor Spaces Board approved by the Governing Body to be included in the Valley Center Schedule of Licenses, Permits and Fees.

12.70.210 General penalty section.

Anyone found to be in violation of this chapter shall be fined a sum not to exceed one thousand dollars (\$1,000.00) or confinement for a period of time not to exceed one hundred eighty (180) days, or both such fine and incarceration.

12.70.220 Repeal of Existing Chapter 12.70 Cemeteries

The existing provision and subsections of Chapter 12.70 Cemeteries are hereby repealed.

12.70.230 Effective Date: Publication

This Ordinance, Chapter 12.70 Cemeteries, will take effect on its publication in the official city newspaper.

Passed and approved by the governing board of the City of Valley Center on this 1st day of March, 2022.

First Reading: February 15, 2022

Second Reading: March 1, 2022

Lou Cicirello, Mayor

Kristi Carrithers, City Clerk